REMARKS

Applicant has carefully studied the Office Action of February 5, 2004 and offers the following remarks in response thereto. Applicant has endeavored to schedule a telephonic interview with the Examiner to discuss some of the issues addressed herein, but to date, the Examiner has not returned Applicant's attorney's calls to schedule this telephonic interview.

Before addressing the rejection based on the reference, Applicant provides a summary of the present invention so that the remarks are considered in the proper context. The present invention is directed to a mobile terminal, preferably a cellular telephone, that automatically learns travel routes associated with a user and anticipatorily provides traffic information relating to these learned routes. To do so, the mobile terminal requests information from a remote source and then provides the information to the user. The traffic information is described at length on pp. 1-4 of the specification and can best be described as information about volume of traffic and the presence or absence of an accident.

In contrast, the reference of record is a navigation system that allows people to learn routes. Specifically, once a route is selected on the navigation system, the system allows the user to step through the various instructions of the route. When creating the route, the user may select an arbitrary starting point independent of the user's current position.

Claims 27 and 37 have been amended to recite explicitly the traffic information of the present invention; Claim 37 has also been amended to include a missing "and." Claims 29 and 30 have also been amended to conform to the amendment to claim 27. No new matter is added.

Claims 1-12 and 17-51 were rejected under 35 U.S.C. § 102(b) as being anticipated by Moroto et al (hereinafter "Moroto"). Applicant respectfully traverses. For the Patent Office to prove anticipation, the reference must show each and every element of the claim. Further, the elements of the reference must be arranged as claimed. MPEP § 2131.

Applicant in general objects to the omnibus style of the rejection. The Patent Office rejects 47 claims with a single paragraph by paraphrasing the claim language and isolated citations to Moroto. Applicant respectfully opines that this approach is contrary to the instructions set forth in 37 C.F.R. § 1.104(c)(2). While the Patent Office has cited particular passages within the relatively voluminous Moroto reference, the failure to apply these passages to the precise claim language generally obfuscates the claim language at issue.

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Applicant traverses this rejection generally on the grounds that the reference does not teach the recited traffic information. The reference is directed to a route development program that allows users to select a route and step through the route. However, this route is not based on traffic information as that term is used herein. Traffic information is described as volume of traffic and/or accident information. The routes that Moroto teaches do not consider such information.

Turning specifically to the Patent Office's omnibus analysis, the Patent Office indicates Moroto teaches the recited traffic information. The Patent Office, in its analysis, indicates that "Moroto teaches . . . delivering the information (via item 15 or 17; figs 1 and 2 at least) . . . ." This citation is the delivery mechanism, but does not indicate that the information is traffic information. Element 15 is a display output, and element 17 is a voice output, but the information that these outputs deliver is automatic route guidance (col. 6, line 47), route guidance, route confirmation, background music, sound effects and voice output of major guidance information (col. 6, lines 49-53). Regardless, the output is not traffic information as that term is used, nor would someone of ordinary skill in the art deem such to be traffic information.

The Patent Office opines that the traffic information query being from the user's cellular telephone and points to col. 23, line 66-col. 24, line 8. The cited passage relates to a GPS receiver, a beacon receiver, a data receiver, for receiving GPS signals, an absolute direction sensor (e.g., a relative direction sensor), and a distance sensor. None of these devices is traffic information, requests traffic information, or receives traffic information. The passage actually has no indication that any information is requested by these devices much less traffic information. For example, GPS receivers typically do not request location information, but rather they receive continuous data streams from the satellites in the GPS constellation, and derive a position therefrom. Thus, the cited passage does not show the traffic information.

The Patent Office goes on to indicate that the reference teaches "adapted to communicate with a remote communications network for providing the traffic information (col. 24, lines 16-28 at least). . . ." The cited passage has a transmitter/receiver for transmitting/receiving data with an external information center stored with massive route guiding information. However, there is no indication that this information center has traffic information. The route guiding information

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comprises the road maps used to plan the route. As explained above, this information is not traffic information.

The Patent Office opines that the reference teaches that "the traffic information [is] provided over a period of time (see figs. 4b, 4c, 7, 44 at least). . .." Applicant has studied the figures, and while the figures do mention time, in each case the figures show maps and road size information (such as "expressway" or "toll road"), but not traffic information.

The final confirmation that Moroto does not teach or suggest traffic information is in the Patent Office's next citation. Specifically, the Patent Office indicates "the traffic information being provided pertinent to an indication of undesirable condition and providing for alternate route based on the undesirable condition (col. 30, lines 47-60)." The cited passage indicates that the map data is classified in layers so that roads of different ranks are automatically emphasized according to the distances from the starting point. Thus, detailed maps can be displayed as needed. The passage goes on to state "Thus, there can be attained an advantage that the driver *can easily acquire the necessary detailed map information to change the route from the present position in the map display when the traffic if cut off or in a snarl.*" Col. 30, lines 56-60, emphasis added. This passage indicates that if a driver on a route that the driver has selected becomes stuck in a traffic jam, the driver may use the detailed map to select an alternate route. The present invention obviates the need for such functionality because the present invention provides the traffic information before the driver is stuck in the traffic jam. Put another way, if the reference taught the provision of traffic information, the driver would not have to select a different route based on the present position when caught in traffic because the driver would have avoided the traffic. In short, the reference actually confirms that traffic information is not provided.

Since the reference does not teach the recited traffic information, the reference cannot anticipate the claims. If the Patent Office disagrees, Applicant requests clarification from the Patent Office as to what element within the reference is deemed by the Patent Office to be the same as the recited traffic information. Absent such clarification, the reference does not show a claim element and cannot anticipate the claims.

Turning to the specific claims, the independent claims rejected by the Patent Office recite the elements addressed above.

Claim 1 recites "requesting, through a mobile terminal, traffic information. . . ." Claim 20 recites "provide traffic information . . .after receiving a request from the user's mobile terminal." Claim 26 recites "receive a traffic information query from a user's cellular telephone. . . ." Claim 27, as amended, recites "query an associated traffic information database. . . ." Claim 32 recites "request via the mobile terminal traffic information . . . ." Claim 37, as amended, recites "request traffic information. . . ." Claim 41 recites "mobile terminal comprising. . . traffic information logic adapted to form traffic information queries for transmission to a remote communications network. . . ." Claim 51 recites "provide traffic information for given ones of the mobile terminals in response to receiving traffic information queries from the given ones of the mobile terminals. . . ." As explained above, Moroto does not teach the traffic information. Each of these independent claims recites such elements and thus is not anticipated by Moroto.

Applicant appreciates the indication of allowable subject matter, but in the absence of a better explanation of where the claim elements for the rejected claims can be found in the reference, the rejected claims are not anticipated and an amendment is not required at this time.

Applicant requests reconsideration of the rejection in light of the remarks presented herein. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience. In the event that the Patent Office does not allow the claims, Applicant earnestly solicits a more explicit explanation of the application of the reference so that the Patent Office's rationale for rejection may be better addressed.

Respectfully submitted,

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